

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1278 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 8-1-2-95.2 IS ADDED TO THE INDIANA CODE
4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
5 1, 2009]: **Sec. 95.2. Notwithstanding any other provision of law, a**
6 **municipality or other governmental unit may not:**
7 **(1) require a public utility that provides water or sewer**
8 **service to sell property used in the provision of service to the**
9 **municipality or governmental unit under section 92 or 93 of**
10 **this chapter, or otherwise; or**
11 **(2) exercise the power of eminent domain to acquire the**
12 **property of the public utility used in the provision of service;**
13 **unless the commission has made the findings specified in**
14 **IC 8-1-30-4 of continued violations or severe deficiencies."**
15 Renumber all SECTIONS consecutively.
 (Reference is to EHB 1278 as printed April 10, 2009.)

Senator MERRITT